

Application No.: 10/672,672

Docket No.: TOW-044RCE

**REMARKS**

Upon entry of this amendment, claims 1-8 are pending, of which claim 1 is independent. Applicants respectfully submit that the pending claims define over the art of record.

**I. Telephone Interview and Claim Amendments**

Applicants thank the Examiner for the courtesy of a telephone interview conducted on July 6, 2007. During the interview, Applicants explained to the Examiner the patentable feature of the present application with reference to Figures 1-3. Applicants argued to the Examiner that the cited Chaix reference does not disclose the filling seal of the present application that is partially provided between the seal member and the electrode. Applicants specifically argued that the circular gasket (21) of the Chaix reference does not correspond to the filling seal of the present application.

In response, the Examiner maintained his position that the O-ring (20 or 22) and the circular gasket (21) of the Chaix reference correspond to the seal member and the filling seal of the present application, respectively. Applicants discussed amending the claims to further distinguish the present application over the Chaix reference. Applicants suggested amending the claims to recite that both the seal member and the filling seal contact the membrane, as depicted in Figure 2 of the present application. The Examiner indicated that such an amendment can overcome the Chaix reference.

Applicants amend claim 1 based on the discussion with the Examiner during the telephone interview. Support for the amendment can be found in Figure 2 and corresponding descriptions in the specification of the present application. No new matter is added.

**II. Claim Rejection Under 35 U.S.C. §102**

Claims 1-8 under 35 U.S.C. §102(e) are rejected as being anticipated by United States Patent Application Publication No. 2004/0062976 (hereafter "Chaix"). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Chaix does not disclose that "the seal member and the filling seal contact the electrolyte," as recited in independent claim 1. In the Office Action,

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the Examiner notes that the O-ring (22) and the circular gasket (21) of the Chaix reference correspond to the seal member and the filling seal of the present application, respectively. The Chaix reference, however, does not disclose that the O-ring (22) and the circular gasket (21) contact the electrolyte.

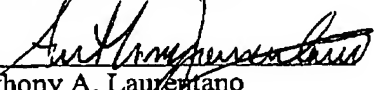
In view of this, Applicants respectfully submit that the Chaix reference fails to teach each and every element of claim 1. Applicants therefore request withdrawal of the rejection of claims 1-8.

### III. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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